

**UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS**

**CIVIL ACTION NO. 1:20-cv-12082-DC**

**FELIX G. ARROYO**

**Plaintiff,**

**v.**

**CITY OF BOSTON and MARTY WALSH,  
Defendants.**

**DEFENDANT CITY OF BOSTON’S MOTION TO DISMISS PURSUANT TO FED. R.  
CIV. P. 12(B)(6)**

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Now comes the Defendant, City of Boston (“City”), and hereby respectfully moves this Honorable Court to dismiss Plaintiff’s Complaint in its entirety pursuant to Fed. R. Civ. P. 12(b)(6). As grounds, the City states that the Plaintiff has failed to state a claim upon which relief can be granted as against him in his individual capacity. More specifically, Defendant Walsh moves to dismiss - Breach of Contract (Count I); Negligence (Count II); Defamation (Count III); Intentional Infliction of Emotional Distress (Count IV); Negligent Infliction of Emotional Distress (Count V); Massachusetts Civil Rights Act, ch. 12, §11H and 11I (Count VI); Breach of Covenant of Good Faith and Fair Dealing (Count VII); and Invasion of Privacy (Count VIII).

Respectfully submitted:

DEFENDANT MARTIN J. WALSH

By his attorney:

Eugene L. O'Flaherty  
Corporation Counsel

/s/ Erika P. Reis  
Erika P. Reis (BBO#669930)  
Senior Assistant Corporation Counsel  
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**CERTIFICATE OF SERVICE**

I, Erika P. Reis, hereby certify that I served a true copy of the above document all parties of record via this court's electronic filing system and upon those non-registered participants via first class mail.

Date: 12/21/20

/s/ Erika P. Reis

**CERTIFICATE OF 7.1. CONFERENCE**

I, Erika P. Reis hereby certify that I conferred with Plaintiff's counsel, Anthony Ellison, via telephone conference on **December 3, 2020** regarding the issues raised in this motion. Counsel was informed at that time that new counsel would be imminently taking over the case. There have been no further discussions, therefore the parties were unable to narrow the issues set forth in this motion.

Date: 12/21/20

/s/ Erika P. Reis